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Hidalgo County District Clerks
Reviewed By: Kim Hinojosa

AFFIDAVIT OF SERVICE

CAUSE NO. C-5668-16-G

ELIAS GAMBOA MEZA

Plaintiff,

VS.

IN THE DISTRICT COURT

370TH JUDICIAL DISTRICTWALGREEN NATIONAL CORP.
D/B/A WALGREENS

Defendants.

HIDALGO COUNTY, TEXAS

Documents: CITATION; PLAINTIFF'S ORIGINAL PETITION

Received on: December 23, 2016 at 10:08 A.M. the above documents to be delivered to:

WALGREEN NATIONAL CORP. DBA WALGREENS
REGISTERED AGENT: CORPORATION SERVICE COMPANY D/B/A CSC LAWYERS INCORPORATING
SERVICE
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218

I, Lee Ann Magee, the undersigned, being duly sworn, depose and say, that I am duly authorized under Rule 103 and 536(a) to make delivery of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter. Delivery of said documents occurred in the following manner:

By delivering to: Walgreen National Corp. dba Walgreens, by delivering to Chris Saizan

(Title / Relationship): Designated Agent for registered agent, Corporation Service Company d/b/a CSC Lawyers
Incorporating Service

Address of Service: 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218Date of Service: December 27, 2016 Time of Service: CMRRR

Type of Service:

- ☐ **PERSONAL SERVICE:** Individually and personally to the above named recipient.
- ☐ **SUBSTITUTE SERVICE:** By leaving a true copy of said process, along with a true copy of the court order, with a person residing therein, who is of suitable age, at the above listed address, which is the usual place of business of the above named person.
- ☒ **CERTIFIED MAIL RETURN RECEIPT REQUESTED:** By sending to the above address via USPS. Delivered by CMRRR, Green Card #7016214000077714450.
- ☐ **POSTING WITH COURT ORDER:** By posting a true copy of said process along with a true copy of the Court Order to the front entrance of the above listed address, which is the usual place of abode or dwelling house of the above named person.
- ☐ **NOT FOUND / NOT DELIVERED:** for the following reason: _____



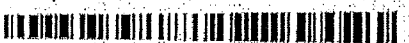
Lee Ann Magee
Signature PS# 7017
Exp: 6-30-19

"I declare under penalties of perjury that the information contained herein is true and correct"

Subscribed and sworn to before me, a notary public on 1-5, 20 17

Notary Public in and of the State of Texas



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																	
<p>1. Article Addressed to:</p> <p></p> <p>Walgreen National Corp. d/b/a Walgreens Registered Agent: Corporation Service Company d/b/a CSC Lawyers Incorporating Service 211 E. 7th Street, Suite 620 Austin, Texas 78701-3218</p> <p> 9590 9403 0938 5223 4879 81</p>		<p>B. Received by (Printed Name) Chris Smith</p> <p>C. Date of Delivery DEC 27 2016</p>																	
<p>2. Article Number (Transfer from service label) 7016 2140 0000 7771 4450</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																		
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PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt																	

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C-5668-16-G
370TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

Walgreen National Corp. d/b/a Walgreens
Registered Agent: Corporation Service Company d/b/a CSC Lawyers Incorporating Service
211 E. 7th Street, Suite 620
Austin, Texas 78701-3218

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Noe Gonzalez, 370th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 22nd day of December, 2016 and a copy of same accompanies this citation. The file number and style of said suit being C-5668-16-G, **ELIAS GAMBOA MEZA VS. WALGREEN NATIONAL CORP. D/B/A WALGREENS**

Said Petition was filed in said court by ELIZABETH JANICEK, 115 E TRAVIS ST STE 2000 SAN ANTONIO TX 78205-1609.

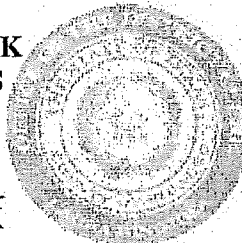
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of December, 2016.

LAURA HINOJOSA, DISTRICT CLERK
100 N. CLOSNER, EDINBURG, TEXAS
HIDALGO COUNTY, TEXAS


ADRIANA GARCIA, DEPUTY CLERK



DATE

01/18/17
A true copy I certify
LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By

Deputy 008

**AFFIDAVIT
ATTACHED**

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C-5668-16-G
OFFICER'S RETURN

Came to hand on _____ of _____, 201____ at _____ o'clock _____m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the _____ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the _____ day of _____, 201____.

Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

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CAUSE NO. C-5668-16-G

JORGE GAMBOA,	§	IN THE DISTRICT COURT
Individually and on Behalf of All	§	
Wrongful Death Beneficiaries of	§	
ELIAS GAMBOA MEZA, Deceased	§	
	§	
	§	
VS.	§	_____ JUDICIAL DISTRICT
	§	
	§	
WALGREEN NATIONAL	§	
CORPORATION d/b/a WALGREENS	§	HILDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JORGE GAMBOA, Individually and on Behalf of All Wrongful Death Beneficiaries of ELIAS GAMBOA MEZA, Deceased, Plaintiff in the above-styled and numbered cause (hereinafter called "Plaintiff"), complaining of Defendant WALGREEN NATIONAL CORPORATION d/b/a WALGREENS (hereinafter called "Defendant"), and for cause of action, would respectfully show unto the Court as follows:

I.
DISCOVERY PLAN

Pursuant to Rule 190.1 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff intends to conduct discovery in this case pursuant to a Level 3 Discovery Control Plan.

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II.
PARTIES

Plaintiff, **JORGE GAMBOA**, is the son of Elias Gamboa Meza and is a resident of San Antonio, Bexar County, Texas.

Defendant, **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS** is a Foreign For-Profit Corporation and can be served by and through its registered agent Corporation Service Company d/b/a CSC Lawyers Incorporating Service at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

III.
JURISDICTION

The Court has jurisdiction in this case based on appropriate subject matter (medical malpractice) and based upon sufficient amount in controversy.

IV.
NOTICE

Plaintiff would show that, in accordance with TEXAS CIVIL PRACTICE AND REMEDIES CODE §74.051 and §74.052, the Defendants herein has been placed on notice of Plaintiff's claims.

V.
VENUE

All or a substantial part of the events made the basis of this lawsuit occurred in Hidalgo County, Texas. Thus, pursuant to the TEXAS CIVIL PRACTICE AND REMEDIES CODE § 15.002(a)(1), venue is proper in Hidalgo County, Texas.

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VI.
FACTUAL BACKGROUND

Plaintiff would show that at all times relevant hereto Defendant **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS** is a health care provider which held, and does hold themselves out to the general public, including the Plaintiff herein, as a health care facility which is competent and qualified to provide health care services, with all the necessary care and precaution expected of health care facilities. Defendant **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS** operates multiple pharmacies in the state of Texas, including the Walgreens Pharmacy located at 7301 N. 10th St., McAllen, Texas 78504.

ELIAS GAMBOA MEZA was an elderly person and was owed the duty of reasonable care, taking into consideration her known mental and physical condition. Mr. Gamboa

On or about On August 17, 2015, an employee of Defendant **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS** working at the Defendant's pharmacy located at 7301 N. 10th St., McAllen, Texas 78504 called Mr. Gamboa Meza to pick up a prescription. Mr. Gamboa Meza went to that location, picked up the medication and was given the instructions by Defendant **WALGREEN NATIONAL CORPORATION' d/b/a WALGREENS** s employee(s) to take one tablet by mouth twice daily. The medication given to Mr. Gamboa Meza Defendant **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS's** employee(s) was

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glyburide/metformin prescribed for the treatment of the diabetes of another patient.

Mr. Gamboa Meza did not have diabetes.

On September 1, 2015, two weeks after he began taking the glyburide/metformin, Mr. Gamboa Meza suffered a hypoglycemic reaction while driving, which caused Mr. Gamboa to have an accident. Mr. Gamboa died of injuries sustained in the accident on September 2, 2015.

Plaintiff would show that as a direct and proximate result of the acts and/or omissions committed during Defendant **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS's** substandard, inadequate and negligent medical care and treatment, **ELIAS GAMBOA MEZA** suffered injury and death.

VII. **NEGLIGENCE**

Plaintiff believes and alleges that Defendant, **WALGREEN NATIONAL CORPORATION d/b/a WALGREENS**, committed certain acts and/or omissions in the medical care and treatment of **ELIAS GAMBOA MEZA** which constituted negligence, and that such negligent acts and/or omissions include, but are not limited to the following:

1. Failing to properly, adequately and/or timely dispense medications to **ELIAS GAMBOA MEZA**;
2. Failing to provide appropriate quality control measures to prevent **ELIAS GAMBOA MEZA** from receiving a medication he was not prescribed;
3. Failing to verify that **ELIAS GAMBOA MEZA's** name was on a prescription patient before dispensing said prescription; and

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4. Failing to provide ELIAS GAMBOA MEZA the necessary care and services to promote and protect his health.

Plaintiff would show that each and all of the above and foregoing acts and/or omission on the part of the Defendant herein constitute negligence, and each and all were a direct and proximate cause of the injuries and damages sustained by the Plaintiff herein.

Plaintiff would show that each and all of the above and foregoing acts and/or omission on the part of the Defendant herein constitute negligence, and each and all were a direct and proximate cause of the injuries and damages sustained by the Plaintiff herein.

Further, Defendant were negligent in management, budgeting, and in hiring practices, retention practices, staffing practices, orientation and training practices, and in supervision of employees, employing incompetent staff without regard to the safety of ELIAS GAMBOA MEZA as well as in ministerial failures.

**VIII.
GROSS NEGLIGENCE**

Under TEXAS CIVIL PRACTICE & REMEDIES CODE § 41.001 et al. and § 71.009, the Defendant WALGREEN NATIONAL CORPORATION d/b/a WALGREENS committed gross negligence. The Defendant committed an act or omission, which when viewed objectively from the Defendant's standpoint, involved an extreme degree of risk considering the probability and magnitude of the potential harm, and which the Defendant had actual, subjective awareness of the risk, but still proceeded with a conscious indifference to the safety of Mr. Gamboa Meza.

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Defendant failed to verify that the medication dispensed to Mr. Gamboa Meza was in fact prescribed to him. This failure to act involved an extreme degree of risk because of the probability of harm to Mr. Gamboa Meza should he ingest this medication.

**IX.
DAMAGES**

Plaintiff would show, as a direct and proximate result of the negligent acts and/or omissions of the Defendant herein, that **IGNACIO JORGE GAMBOA, Individually and on Behalf of All Wrongful Death Beneficiaries** has suffered the following damages for which Plaintiff sues:

- a. pecuniary loss sustained in the past;
- b. pecuniary loss that will, in reasonable probability, be sustained in the future;
- c. loss of companionship and society sustained in the past;
- d. loss of companionship and society that will, in reasonable probability, be sustained in the future;
- e. mental anguish sustained in the past;
- f. mental anguish that will, in reasonable probability be sustained in the future; and
- g. loss of inheritance.

As a direct result of the occasion in question, the estate of **ELIAS GAMBOA MEZA**, deceased, is entitled to money damages for the medical and funeral expenses, conscious pain, suffering, and mental anguish that **ELIAS GAMBOA MEZA** sustained

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as a result of the incident. Additionally, the estate is entitled to punitive damages due to the gross negligence.

X.
JURY DEMAND

Plaintiff hereby requests a trial by jury.

WHEREFORE, PREMISE CONSIDERED, Plaintiff prays the Defendant be duly cited to appear and answer herein, and that upon final trial of this cause, Plaintiff have and recover a judgment of and from the Defendant herein, in an amount within the jurisdictional limits of this court, for both pre-judgment and post-judgment interest as allowed by law, plus costs of court, and for such other and further relief, both general and special, at law or in equity, to which the Plaintiff may be justly entitled.

Respectfully submitted,

JANICEK LAW FIRM, PC
1100 NE Loop 410, Suite 550
San Antonio, Texas 78209
(210) 366-4949 Telephone
(210) 979-6804 Facsimile
beth@janiceklaw.com

By: *Beth S. Janicek*
BETH S. JANICEK
State Bar No. 00788495
ELIZABETH W. YANCY
State Bar No. 24098642

Attorneys for Plaintiff

DATE 01/18/17
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By [Signature] Deputy #18
011

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CAUSE NO. C-5668-16-G

**JORGE GAMBOA,
Individually and on Behalf of All
Wrongful Death Beneficiaries of
ELIAS GAMBOA MEZA, Deceased
Plaintiff,**

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

IN THE DISTRICT COURT

370TH JUDICIAL DISTRICT

VS.

**WALGREEN NATIONAL
CORPORATION d/b/a WALGREENS**

HIDALGO COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, WALGREEN NATIONAL CORPORATION d/b/a
WALGREENS, Defendant herein, and files this its Original Answer, and would show
the Court as follows:

I. GENERAL DENIAL

Defendant denies each and every, all and singular, the allegations set out in Plaintiffs' Original Petition and demands strict proof thereof as required by law.

WHEREFORE, PREMISES CONSIDERED, Defendant, WALGREEN NATIONAL CORPORATION d/b/a WALGREENS prays that Plaintiffs' lawsuit be dismissed with prejudice with court costs taxed to Plaintiffs and for such other and further relief, at law or in equity, to which Defendant may justly be entitled to receive.

(Signature on next page)

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Respectfully submitted,

ROERIG, OLIVEIRA & FISHER, L.L.P.

10225 North 10th Street

McAllen, Texas 78504

956/393-6300

956/386-1625 (Fax)

Attorneys for Defendant

By: David Oliveira by Roerig

David G. Oliveira

State Bar No. 15254675

doliveira@roflfp.com

lizzg@roflfp.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Defendant's Original Answer has been forwarded to:

Beth S. Janicek
Elizabeth W. Yancy
JANICEK LAW FIRM, PC
1100 NE Loop 410, Suite 550
San Antonio, TX 78209
beth@janiceklaw.com

on this 19th day of January, 2017.

David Oliveira by Roerig
David G. Oliveira

DATE 01/20/17
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By [Signature] Deputy #13

Defendant's Original Answer
#38,463/RJ

Page 2

370TH DISTRICT COURT
CASE SUMMARY
CASE NO. C-5668-16-G

Elias Gamboa Meza
VS.
Walgreen National Corp. d/b/a Walgreens

§
§
§
§

Location: 370th District Court
Judicial Officer: Gonzalez, Noe
Filed on: 12/22/2016

CASE INFORMATION

Case Type: **Injury or Damage - Medical Malpractice (OCA)**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-5668-16-G
Court 370th District Court
Date Assigned 12/22/2016
Judicial Officer Gonzalez, Noe

PARTY INFORMATION

Plaintiff Meza, Elias Gamboa

Lead Attorneys
JANICEK, ELIZABETH
Retained
210-227-7000(W)


Defendant Walgreen National Corp. d/b/a Walgreens


Oliveira, David G.
Retained
956-542-5666(W)


DATE

EVENTS & ORDERS OF THE COURT

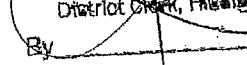
INDEX

01/19/2017  Answer
Party: Defendant Walgreen National Corp. d/b/a Walgreens

12/22/2016  Citation Issued
Party: Defendant Walgreen National Corp. d/b/a Walgreens

12/22/2016 **Citation**
 Walgreen National Corp. d/b/a Walgreens
Served: 12/27/2016
Anticipated Server: Civil Processor
Actual Server: Civil Processor
Return Date/Time: 01/10/2017

12/22/2016  Original Petition (OCA)
Plaintiff's Original Petition

DATE 01/20/17
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LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By  Deputy #13

DATE

FINANCIAL INFORMATION

Defendant Walgreen National Corp. d/b/a Walgreens
Total Charges
Total Payments and Credits
Balance Due as of 1/20/2017

2.00
2.00
0.00

Plaintiff Meza, Elias Gamboa
Total Charges
Total Payments and Credits
Balance Due as of 1/20/2017

359.00
359.00
0.00

370TH DISTRICT COURT
CASE SUMMARY
CASE NO. C-5668-16-G

